

Amendment/Response

Reply to Final Office Action of April 30, 2009

REMARKS/DISCUSSION OF ISSUES

Claims 1-10, 13-14, and 18-20 are pending in this application, with claims 1, 2, 4, 6, 13, and 18 being amended.

Rejections under 35 U.S.C. § 102

(a) Claims 1-2, 6-8, and 18-19 are rejected under 35 U.S.C. § 102 as being anticipated by Rix et al. The rejection of the claims, as amended, is respectfully traversed.

Applicant repeats his argument as presented in the previous response that it is respectfully suggested that the Examiner is in error in equating the felt found in Rix et al. to the bristles required by claim 1. The interpretation of claim language is not unrestricted, but is limited to the broadest reasonable interpretation that is consistent both with the specification and with the interpretation that those skilled in the art would reach. MPEP Section 2111.

Applicant respectfully suggests that one skilled in the art would not equate felt to bristles on a brush. Applicant included at the end of the previous response the two pages printed out from a Google search on the Internet for the definitions of "bristle." It is clear from the results that one skilled in the art and reading the specification would not consider the bristles of the claims to be felt. Note also that the specification refers to cleaning surfaces 42 on page 3, paragraph 14, as including "a plurality of bristles, cloth, material containing cleaning agent, foam, a pad or sponge brush, or any combination thereof." The fact that Applicant has limited the recitation in claim 1 to "a plurality of bristles" signifies that the other possible cleaning surfaces mentioned in the specification are specifically excluded from the claim coverage, which includes felt as being a type of cloth.

Applicant has also amended claim 1 to recite that all of the bristles face perpendicularly outward from the backplane, which is not the case with the felt disclosed in Rix et al.

It is respectfully suggested that the rejection of claim 1 for anticipation is overcome.

As for claim 18, the argument that felt is not bristles also applies. In addition, claim 18 is amended to recite that the two pre-selected positions are while the brace remains engaged with

Amendment/Response

Reply to Final Office Action of April 30, 2009

the faucet, thus precluding the reading that one position is on the faucet and the other position is off the faucet.

It is respectfully suggested that the rejection of claim 18 for anticipation is overcome.

Claims 2, and 6-8, being dependent upon and further defining independent claim 1, and claim 19, being dependent upon and further defining independent claim 18, should be allowable for that reason, as well as for the additional recitations they contain. Therefore, reconsideration of the rejection of claims 1, 2, 6-8, and 18-19 under 35 U.S.C. § 102 is respectfully requested.

(b) Claims 13 and 20 are rejected under 35 U.S.C. § 102 as being anticipated by Hubert. The rejection of the claims, as amended, is respectfully traversed.

Claim 13 is amended to recite that the plane formed by the backplane intersects the longitudinal axis of the faucet, which is not the case in Hubert. In fact, the mechanism in Hubert would not work if the backplane in Hubert met this new claim limitation.

It is respectfully suggested that the rejection of claim 13 for anticipation is overcome.

Claim 20, being dependent upon and further defining independent claim 13, should be allowable for that reason, as well as for the additional recitations it contains. Therefore, reconsideration of the rejection of claims 13 and 20 under 35 U.S.C. § 102 is respectfully requested.

Rejections under 35 U.S.C. § 103(a)

(a) Claims 3, 4, 5, 9, and 10 are rejected under 35 U.S.C. § 103 as being unpatentable over Rix et al. The rejection of the claims is respectfully traversed.

Claims 3, 4, 5, 9, and 10, being dependent upon and further defining independent claim 1, should be allowable for that reason, as well as for the additional recitations they contain. Therefore, reconsideration of the rejection of claims 3, 4, 5, 9, and 10 under 35 U.S.C. § 103 is respectfully requested.

(b) Claim 14 is rejected under 35 U.S.C. § 103 as being unpatentable over Hubert. The rejection of the claim is respectfully traversed.

Amendment/Response

Reply to Final Office Action of April 30, 2009

Claim 14, being dependent upon and further defining independent claim 13, should be allowable for that reason, as well as for the additional recitations it contains. Therefore, reconsideration of the rejection of claim 14 under 35 U.S.C. § 103 is respectfully requested.

If any points are in issue that may be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated or by e-mail directed to Chris@PatentingServices.com.

Respectfully submitted,

/CRPastel/

Christopher R. Pastel, Reg. No. 37,694
Attorney for Applicant(s)
PASTEL LAW FIRM
8 Perry Lane
Ithaca, New York 14850
Telephone: (607) 277-5907